

Hall, et al. v. State Farm
No. 05-72164

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JON HALL, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,

Defendant.

Case No. 05-72164

DISTRICT JUDGE
ARTHUR J. TARNOW

**ORDER ACCEPTING DEFENDANT'S
RESPONSE [11] TO SHOW CAUSE ORDER [9]**

This is a class action for breach of insurance contract. The underlying case was brought in Macomb Circuit Court. The state class action was filed on December 29, 2004. The initial complaint named Hana Djelevic as the lead plaintiff.

After the filing of the initial complaint, Congress passed and the President signed the Class Action Fairness Act of 2005 (CAFA). CAFA became effective on February 18, 2005. The purpose of the act was to expand federal district courts' jurisdiction over class action claims involving minimal diversity among the parties.

On June 1, 2005, counsel for the putative class plaintiffs filed a second amended complaint in Macomb Circuit Court. The plaintiffs' second amended complaint names Jon Hall as the lead plaintiff, and makes no express claims on behalf of Hana Djelevic, the original lead plaintiff.

On July 13, 2005, the Court filed an order to show cause as to why this case should

not be remanded to state court for lack of subject matter jurisdiction. On July 28, 2005, Defendant filed a response to the Court's show cause order.

The Court is convinced that Plaintiffs commenced a new action for CAFA purposes on June 1, 2005. Therefore,

The Court hereby ACCEPTS Defendant's response to the show cause order, and will retain this matter.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: August 19, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 19, 2005 by electronic and/or ordinary mail.

s/ Kendra Byrd
Case Manager